

FILED

September 08, 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

BY: TB
DEPUTY

UNITED STATES OF AMERICA,
(plaintiff),

DR-18-CR-01631(01)-AM

Vs.

Case No. DR-20-CV-03

Rudy O. Cabrera,
(petitioner).

MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW Rudy O. Cabrera, the defendant/petitioner, uncounseled and unable to retain attorney to assist him with the filing of his petition for Habeas Corpus pursuant to title 28 U.S.C. 2255. Defendant respectfully prays to this United States District Court to GRANT his petition for appointment of counsel. As grounds the defendant states the following:

That defendant was arrested on July 9, 2018, and sentenced on March, 27, 2019, to a term of 57 months of imprisonment, for an offense of illegal reentry, a crime for what the defendant claims innocence. Because the prior order of removal used as element of the offense of illegal reentry was invalidated after a Board of immigration decision dated Sep. 18, 2018, in re: Miguel Angel GARAY-GOMEZ, where the Board of Immigration Appeals affirmed the Immigration's judge's determination that a Colorado theft offense under Colorado Revised Statute 18-4-401(1), is not an aggravated offense under title 8 U.S.C. § 1101(a)(43)(G), because the state's statutory definition is broader than the federal generic's definition, also because it is indivisible.

Defendant Rudy O. Cabrera, was a Lawful Permanent Resident of the U.S. and his Const. Rights under the Due Process Clause were violated when the I.J. failed to provided him with a Full and Fair Hearing. The I.J. failed to provide Cabrea with a categorical approach as is required by the United States Supreme Court outlined in Taylor V. United States 475 U.S. 490 (1990).

Ruly O. Cabrera is a Citizen of Guatemala, C.A. with the limited understanding of the english language, and also he is not trained to do any legal proceedings.

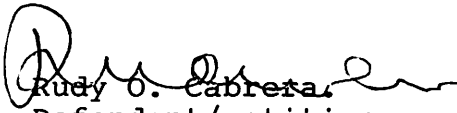
Rudy O. Cabrera, has been declared indigent, through all criminal and appellate proceedings.

Cabrera prays to this Honorable District Court to GRANT his petition for appointment of counsel.

I CERTIFY that all information provided in this pleading is true and correct at the best of my knowledge.

I certify that an original of this document was mailed to the Clerk of the U.S. via Giles Dalby legal window post mail on this 28 day of August, 2020, at the following address: WESTERN DISTRICT OF TEXAS, UNITED STATES COURTHOUSE, 111 E. BROADWAY SUITE 100, DEL RIO TEXAS 78840

Respectufully submitted by:


Rudy O. Cabrera
Defendant/petitioner.

Trudi Cabrera
Fed. Reg # 31178-051
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805 N. Post Ave.
Post, TX 79356

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WESTERN DISTRICT OF TEXAS

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